

U.S.S.N. 09/870,181

**REMARKS -- General**

**Objection to Specification under 35 USC §132:**

The most recent Office Action (OA) objects to the specification, in that the OA submits the amendment to claim 1 reciting a "passive" cover is not supported by the specification. Applicants note that claim 1 has been canceled by way of this amendment, thereby obviating any objection.

**Rejections under 35 USC 102:**

Claims 1 and 2 have been rejected under 35 USC §102 as being anticipated by Narisue et al., US Pat. No. 4,726,794, herein after Narisue. Specifically, the Office Action (OA) submits that Narisue teaches a cover for a battery with mechanical features for coupling to a charging plug, and an orifice such that power terminals may be coupled to the battery.

Applicants have canceled claims 1 and 2, and have included these limitations into claim 3, which now stands as the only independent claim. Applicants have added additional limitations to the claim, including a main aperture for receiving a battery. Support for this amendment is found in FIGS. 1 and 2, in that the battery 4 slides into an aperture formed by the belt 13, sides 18,19 and the back 10. Note that the battery has been inserted into this aperture in FIG. 2.

Applicants have included the language that at least one terminal is exposed through the at least a main orifice when the battery is inserted into the cover. Support for this amendment is found on page 3, lines 14-15.

In light of these amendments, Applicants respectfully traverse the rejection over Narisue. First, Applicants submit that Narisue fails to teach at least a first aperture, wherein when the battery is inserted into the cover, terminals of the battery are exposed through a main orifice. To the contrary, the terminals of the battery (Narisue, FIG. 4, elements 7a,7b) are completely encapsulated by the cover.

Second, Applicants submit that Narisue fails to teach a belt. Applicants submit that according to the American Heritage dictionary, a belt is defined as "...a band..." A "band" is then defined as a "a *thin* strip". Applicants' invention includes such a band, as

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is shown in FIG. 1, element 13, and as is recited at page 2, line 20. Applicants respectfully submit that Narisue fails to teach such thin strip. Applicants respectfully request reconsideration of the rejection in light of the amendment.

Claims 1-6 have been rejected under 35 USC §102 as being anticipated by Brunette et al., US Pat. No. 5,766,794, herein after Brunette. Specifically, the OA submits that Brunette teaches a cover for a battery comprising mechanical features for mating to a charge plug, including an orifice, base, latch and belt.

Applicants respectfully submit that Applicants' invention, as recited in the amended claims, is distinct from Brunette in a number of ways: First, the cover 102 of Brunette FIG. 6 is permanently mounted over the cells 636. It is not detachable as with Applicants' invention.

Next, Applicants respectfully submit that Brunette fails to teach a belt, as the cover completely encapsulates the cells. There are no thin strips in Brunette.

Third, Applicants respectfully submit that Brunette fails to teach an aperture into which a battery may be inserted.

Fourth, Applicants respectfully submit that as no battery may be inserted into the cover of Brunette, there are no battery terminals to be exposed through the orifice upon insertion. Quite to the contrary, in FIG. 6, the cells 636 of Brunette are coupled to wires, e.g. 640, within the housing.

Fifth, Applicants respectfully submit that the cover of Brunette fails to teach a main orifice. In FIG. 6, Brunette teaches a set of spring mounted contacts 422 permanently attached to the otherwise sealed cover. There is thus no orifice in the sealed battery pack of Brunette.

Sixth, the cover of Brunette is designed for coupling to a cellular telephone as shown in Brunette FIG. 7. The cellular telephone is not a charging plug. Nor can a charging plug be coupled to the cover of Brunette. The only way to charge the batteries 636 within the cover 102 is by coupling the cover to a phone and then coupling a phone to a charging plug by way of receptacle 304 (shown in Brunette FIG. 3). Applicants respectfully request reconsideration of the rejection in light of the amendments and these remarks.

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Claims 1-5 have been newly rejected under 35 USC §102(b) as being unpatentable over Hattori et al. (US Pat. No. 5,633,096), hereinafter "Hattori". Applicants respectfully traverse this rejection.

Applicants respectfully submit that Hattori fails to teach a battery pack having an aperture into which a battery may be inserted. Applicants submit that Hattori fails to teach a detachable cover, as the cover of FIG. 2 is permanently mounted about the cells and sealed by pins. See col. 3, lines 13-16.

Applicants additionally submit that electrical terminals of a battery pack are not exposed through a main orifice in Hattori, as is claimed by Applicants. Quite to the contrary, in FIG. 2 of Hattori, an electrode plate 27 and support plates 28 are exposed to receive a cigarette adapter lighter plug.

As Hattori fails to teach all of Applicants' claimed limitations, Applicants respectfully submit that the §102 rejection is overcome. Applicants respectfully request reconsideration of the rejection.

Rejections under 35 USC §103:

The OA rejects claims 1-5 under 35 USC §103(a) as being unpatentable over Hattori in view of Brunette. Applicants respectfully traverse this claim.

As noted above, neither Brunette nor Hattori teaches all of Applicants' claimed limitations. By way of example, neither reference teaches a main orifice, wherein upon insertion, terminals of a battery pack are exposed through the main orifice. As neither reference teaches this limitation, Applicants respectfully submit that no prima facie case of obviousness has been made. Applicants respectfully request reconsideration of the rejection in light of these comments.

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**CONCLUSION**

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit.

Respectfully submitted,



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